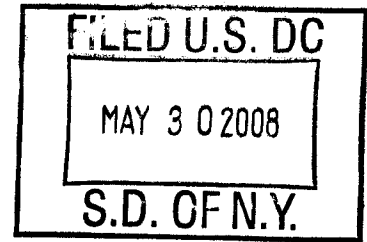


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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

COMPANIA DEL BAJO CARONI (CAROMIN)  
and V.M.C. MINING COMPANY, C.A.,

Plaintiffs,

- against -

BOLIVARIAN REPUBLIC OF VENEZUELA,  
and MINISTRY OF BASIC INDUSTRIES AND  
MINES,

Defendants.

Case No.: 07 CV 3179 (NRB)


**NOTICE OF APPEAL**

Notice is hereby given that Compania Del Bajo Caroni (Caromin) and V.M.C. Mining Company, C.A., plaintiffs in the above-named case, hereby appeal to the United States Court of Appeals for the Second Circuit from the Judgment granting defendants Bolivarian Republic of Venezuela and Ministry of Basic Industries and Mines' Rule 12(b)(1) motion to dismiss for lack of subject matter jurisdiction, entered in this action on the 1st day of May, 2008.

Dated: New York, New York  
May 30, 2008

ZEICHNER ELLMAN & KRAUSE LLP

By: \_\_\_\_\_

  
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TO:

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
COMPANIA DEL BAJO CARONI (CAROMIN)  
and V.M.C. MINING COMPANY, C.A.,

Plaintiffs,

07 CIVIL 3179 (NRB)

-against-

**JUDGMENT**

BOLIVARIAN REPUBLIC OF VENEZUELA,  
and MINISTRY OF BASIC INDUSTRIES AND  
MINES,

Defendants.  
-----X

Defendants having moved to dismiss pursuant to Fed. R. Civ. P. 12(b)(1), and the matter having come before the Honorable Naomi Reice Buchwald, United States District Judge, and the Court, on April 30, 2008, having rendered its Memorandum and Order granting defendants' Rule 12(b)(1) motion to dismiss for lack of subject matter jurisdiction, it is,

**ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum and Order dated April 30, 2008, defendants' Rule 12(b)(1) motion to dismiss for lack of subject matter jurisdiction is granted.

Dated: New York, New York  
May 1, 2008

J. MICHAEL McMAHON

\_\_\_\_\_  
Clerk of Court

BY:

*2*  
\_\_\_\_\_  
Deputy Clerk

**THIS DOCUMENT WAS ENTERED  
ON THE DOCKET ON \_\_\_\_\_**

STATE OF NEW YORK,  
COUNTY OF NEW YORK.

**AFFIDAVIT OF SERVICE  
BY FIRST CLASS MAIL**

MICHAEL W. ANTONIVICH, being duly sworn, says: that I am over the age of eighteen years, and am not a party herein, and reside in Nassau County, New York and that on the 30th day of May, 2008, I served a true copy of the within **PLAINTIFF'S NOTICE OF APPEAL** upon the attorney hereinafter named at the places hereinafter stated by depositing the same, properly enclosed in a post-paid, properly addressed wrapper, into the exclusive care and custody of a U.S. Post office depository maintained and controlled by the U.S. Post Office for delivery by first class mail to said attorney at his last known address given below:

Paul S. Reichler, Esq.  
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Attorneys for defendants

  
MICHAEL W. ANTONIVICH

Sworn to before me this  
30<sup>th</sup> day of May, 2008

  
\_\_\_\_\_  
NOTARY PUBLIC

**JAMES N. ZELL**  
Notary Public, State of New York  
No. 027E6022887  
Qualified in Kings County  
Commission Expires April 12, 2009